

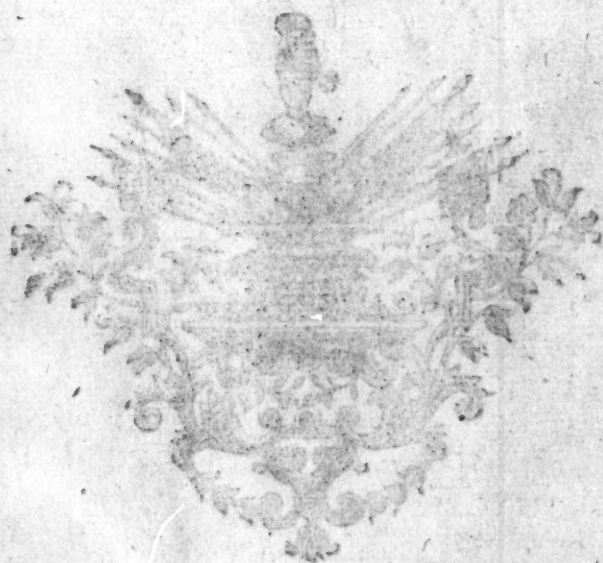
A TRUE
ACCOUNT
OF THE
PROCEEDINGS

Relating to the Late
ELECTION of *SHERIFFS*
FOR THE
CITY of *London* and COUNTY of *Middlesex*.



L O N D O N:
Printed, and Sold by *J. Roberts* in *Warwick*
Lane, 1723. Price 6 d.

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THE REAL TRANSACTIONS

Relating to the
Late ELECTION of SHERIFFS
FOR THE
CITY of London and COUNTY of Middlesex,

Were as follow, viz.

Monday the 24th of June, being Midsummer-Day, according to Custom the Lord Mayor and Court of Aldermen being seated upon the *Hustings* at Guildhall, and the Livery-Men being called in by the usual Proclamation, the Recorder, as is also the antient Practice, open'd to the Hall the Ocasion of their being assembled, in the Words following, viz.

Gentlemen,

YOU are here assembled to elect Sheriffs for this City and the County of Middlesex, for the Year ensuing.

Your Privileges having been hitherto used in so prudent a Manner, as to answer the Ends for which they were obtain'd, viz. the Preservation of your Liberties and the Publick Welfare, there is no doubt but you will be govern'd by the same Temper and Discretion in the Affair under your present Consideration.

As you are so happy to enjoy, under the Protection of the present Government, all your Religious and Civil Rights, without the least Invasion or Violence; as you have the good Fortune to live under a Constitution where the publick Justice is administer'd openly and impartially, according to the known Laws of your Country, you cannot but approve of such Measures as tend to the Continuance of these Blessings.

Among others, you cannot but desire that Juries (who have, in some Degree, the Disposal of your Lives, your Liberties, and your Properties) should be impannell'd fairly and indifferently, and free from Bias or Prejudice.

That this great Privilege of Englishmen should be secur'd from any Violation whatever; that on the one Hand there may not be Opportunities for those in Power to oppress or injure innocent Men; nor, on the other Hand, that the Security of the Government may not be weaken'd or endanger'd, by screening the Guilty from the Hands of Justice.

These

These are Evils which, 'tis to be hoped, by the Wisdom of your Choice may be avoided.

You must be sensible, that your Sheriffs will have this, and other important Trusts repos'd in them, therefore you will think it necessary to have Regard to Persons of Abilities and Capacities proper for such a Station.

I shall not presume to descend to particular Qualifications; but you are so good Judges as to know it is of the highest Moment that they should be Gentlemen of Character for their Honour and Integrity, eminent for their Zeal to our present happy Establishment in Church and State, and remarkable for their unfeigned Affection to our most gracious Sovereign King George. A Prince, who makes the Laws of the Land the Rule of His Actions, and whose chief Delight is in the Happiness of His People.

Then, according to Custom, the Lord-Mayor and Court of Aldermen retired to a Court above the Hall, sitting to receive the Report of the Transactions in the Hall, which was brought up to them by Mr. Sheriffs, attended by the Common-Serjeant, who makes the Report, and always delivers it into the Court of Aldermen. The Report that was made on this Occasion was to this Effect, ' That several Persons (naming 'em) being put in Nomination for Sheriffs, amongst others, Sir John Williams, and Richard Lockwood, Esq; that the Sheriffs upon View of the Hands had declared the Majority to be for them, but that a Poll was demanded for and on the Behalf of Sir Richard Hopkins, and Felix Feast, Esq; which was granted.

The Lord-Mayor and Court of Aldermen went down again to the Hustings, and by the Recorder acquainted the Hall with this Report of their Proceedings, and then the Sheriffs gave Notice to the Hall, that they would proceed the next Morning at Nine a-Clock to take the Poll, and adjourn'd the Hall to that Time; they continued three Days taking the Poll, according to Act of Common Council, and shut up the Books about Six a-Clock on the Thursday Evening the 27th of June. It was expected (the Poll being finished) that the Numbers would be cast up that Evening, and declared the next Morning, (as had been usually done) especially considering, that if a Scrutiny should be demanded, there were only seven Days allowed by Act of Common Council for the taking and finishing such Scrutiny, (which must have been Time little enough if it had been begun the next Day.) But Mr. Sheriffs were pleased to adjourn the Hall to Tuesday the 2d Day of July, (here were four Days of the seven gone, to what Purpose will be pretty evident in the Sequel of this Affair.) Upon that Day the Court of Aldermen were again assembled in the Court above the Hall, and did expect, as was natural and usual, an Account how the Numbers stood upon the Poll, (especially Mr. Sheriffs having taken four Days Time to cast up this Poll); but to their very great Surprize, Mr. Sheriffs had found out a new Way of managing the Poll and a Scrutiny together, by making at the first Step a very special Declaration to the Hall in the Words following, (*viz.*) ' The Sheriffs on the Examination and Computation of the Poll, see no Reason to depart from their former Declaration, and do therefore declare Sir John Williams, Kt. and Mercer of London, and Richard Lockwood, Esq; Citizen and Mercer of London, duly elected Sheriffs of this City and County of Middlesex for the Year ensuing, by a Majority of Legal Votes; that a Scrutiny had been demanded for Sir Richard Hopkins and Mr. Feast, and granted. Upon the making this Return to the Court of Aldermen, it being deliver'd in by the Common-Serjeant, the Court immediately took Notice of this unpresidented Declaration, and they were informed that there were Persons ready to attest upon Oath, ' That the Scrutiny demanded of Mr. Sheriffs in the Hall was for the Numbers upon the Poll, (which was deny'd) as well as for the Qualification of the Voters; and that they could prove that there was a considerable Majority upon the Poll for Sir Richard Hopkins and Mr. Feast; and that Mr. Sheriff P——, who acted alone in the Affair of casting up the Numbers, as also Mr. Langley Hill, (appointed for that Purpose by Sir John Williams and Mr. Lockwood) had by Variety of Pretences industriously avoided casting up the Numbers with Mr. Falkingham, (who

(who was appointed by Sir Richard Hopkins and Mr. Feast, and approved of by the Sheriffs for that Purpose.) But before the Court called these Persons in, they first asked Mr. Sheriffs in a civil and friendly Manner, how the Numbers stood upon the Poll? Instead of a fair and candid Answer, (which sure an impartial, undefining, and upright returning Officer, could not deny in Decency to the very Court to whom he was bound to make Return of his Proceeding, both upon the Poll and Scrutiny) Mr. S——ff P——n was pleased to say, they had no Right to ask him that Question, and he would not tell them; Mr. S——ff C——d said he had been indisposed, and had not been at the casting up of any Numbers, and he knew Nothing but what his Brother Sheriff had told him. They were then desired by the Court that the Books might be produced, so as that the Court might have the Inspection of them to see how the Numbers stood upon the Poll; Mr. S——ff P——n absolutely refused them, and said they should not be produced to the Court. Mr. S——ff C——d being asked for a Sight of the Books, said they were in his Brother P——n's Custody, and he could not produce them. The Recorder exhorted these Gentlemen in the most friendly Manner, and acquainted them, he feared they did not know the Inconvenience and ill Consequences they might bring upon themselves by this Method of Behaviour, that these Proceedings being laid before a Superior Court by Affidavits, would make 'em liable to an Information, as they were publick Officers, acting partially and wilfully, in an irregular Manner, in the Execution of the Trust reposed in them: It was all one, they were resolute, and no Advice could prevail on them to tell the Numbers upon the Poll, to produce the Books, or to regulate their former Declaration. No—— they would stand to what they had done, and would go on with their Scrutiny as they thought fit. — Upon this, the Court proceeded to examine upon Oath the said Mr. Falkingham, as also several Supervisors on the taking the Poll for Sir Rich. Hopkins and Mr. Feast; and finding by the Enquiry hitherto, that the Suggestion of a considerable Majority for Sir Richard Hopkins and Mr. Feast was well founded, it being late in the Day, and the Citizens in the Hall waiting for the Return of the Court of Aldermen to the Husting, to declare to them what they were to expect, after this surprising, unusual, and unheard of Declaration of the Sheriffs, they resolved to make known their Opinion that these Proceedings of the Sheriffs were irregular and unwarrantable, and to let the Citizens know what Steps they had taken, and what they would further do, in order to Justice upon this Occasion; and it having been moved by an Alderman that the said Mr. Langley Hill and the Supervisors for Sir John Williams and Mr. Lockwood might be heard in this Affair, it was readily agreed to by the Court of Aldermen, and a special Court appointed on the Thursday following for this very Purpose, and ordered that Notice should be published in the Common Hall by the Recorder, 'That the Court would receive further Information upon Oath concerning the said Poll. All which was accordingly declared to the Common Hall by the Recorder in the Words following, (*viz.*) Gentlemen, Mr. Sheriffs having made the Return following to the Court of Aldermen, (*viz.*) "The Sheriffs on the Examination and Computation of the Poll, see no Reason to depart from their former Declaration, and do therefore declare Sir John Williams, Kt. Citizen and Mercer of London, and Richard Lockwood, Esq; Citizen and Mercer of London, duly elected Sheriffs of this City and County of Middlesex for the Year ensuing, by a Majority of Legal Votes. The Lord Mayor and Court of Aldermen having proceeded to the Consideration of the said Return, are of Opinion, that the Declaration therein, that Sir John Williams, and Richard Lockwood, Esq; are duly elected Sheriffs by a Majority of Legal Votes, is irregular and unwarrantable; and being deny'd by Mr. S——ffs the Numbers upon the Poll, or to have a View of the Books wherein the Poll was taken, and having examined several Persons upon Oath, they find Cause to think that a considerable Majority upon the Poll was for Sir Richard Hopkins and Mr. Feast, and are desirous that Justice may be done to their Fellow Citizens in this Affair; and therefore will further consider

thereof, and shall be ready to receive further Information upon Oath concerning the said Poll.

The Court of Aldermen met on *Thursday* following as had been agreed on, expecting that Mr. *Langley Hill* and the Supervisors for Sir *John Williams* and Mr. *Lockwood* would have appeared to disprove what Mr. *Falkingham* and the other Supervisors had deposed; but neither of these Persons did appear, nor Mr. Sheriffs, nor the Alderman, (who moved as aforesaid) nor some others who espoused Sir *John Williams* and Mr. *Lockwood*: For what Reasons they absented on this Occasion is best known to themselves. It happened that there was a Number sufficient to make a Court without them. The Lord Mayor informed the Court, that he had received a Letter from Mr. Sheriffs, requiring his Precept to the Clerks of the Companies to give a List of the Livery-Men of the Companies, that they might go on with a Scrutiny; and that considering this Court had declared their Proceedings irregular, he had not granted their Request; which the Court approved of as it was a Refusal to assist the Sheriffs in their Irregularities. And tho' the Lord Mayor and Court of Aldermen were thus treated by those, who are obliged by their Oaths and their Duty to a different Behaviour, yet the Court passed it by without Censure, and gave all Parties (who might be inclin'd to controvert the Account deliver'd in of the Numbers upon the Poll) another Opportunity, viz. The next Day being *Friday* the Fifth of *July*, (and the last Day, according to the Act of Common-Council for finishing the Election by the Sheriffs, and making their Return to the Court of Aldermen.) Accordingly, the next Day the Court of Aldermen met again, Mr. Sheriffs did not think fit to appear, nor any one to disprove the Account given in of the Numbers on the Poll as aforesaid; but instead of giving the Court any Information in that particular, Oath was made by several Citizens, That Mr. S—ff P—ns came that Morning about Ten a-Clock without Mr. S—ff C—d upon the *Hustings*, and made a Declaration to the Effect following, viz. ' That a Scrutiny had been demanded and granted, and that the Sheriffs had applied to my Lord Mayor to issue his Precept to obtain a List of the several Companies, that the Lord Mayor had refused it, that the Sheriffs had scrutinized with indefatigable Pains, and adhered to their former Declaration of Sir *John Williams* and *Richard Lockwood*, Esq; to be Sheriffs for the City of *London* and County of *Middlesex* for the Year ensuing: And that Mr. S—ff P—ns ordered one of his Officers to adjourn the Hall to Five a-Clock that Afternoon. And that thereupon several Citizens demanded again to be told the Numbers upon the Poll, and a Scrutiny of the Books for the Numbers upon the Poll, but were absolutely refused by him; and Mr. P—e his Under-Sheriff who attended him, bid him answer no Questions; but he gave one of the Citizens some Numbers, saying, these are the Numbers as I have scrutinized them, and told them he would give 'em no other: And after he had made this final Declaration, he was not pleased to think the Court of Aldermen (while they were Sitting and who Sat till near Four a-Clock) worthy his Presence, or any Return or Report of that Matter, but by his own Order adjourned the Hall to that Afternoon Five a-Clock.

Upon Information of these Particulars upon Oath, (Mr. S—ff C—d not appearing to approve or disapprove of these Proceedings,) the Court considered what was proper for them further to do, to satisfy the Citizens of the Justice and Necessity of their interposing in an Affair, wherein there appeared to them such notorious Partiality, and Obstinacy in persisting in irregular and unwarrantable Proceedings, and where the Rights and Privileges of the City seemed to them to be violated in so high a Degree. They therefore resolved, that the following Declaration should be made by Mr. *Recorder* to the Common Hall, and that after the Sheriffs therein declared to be duly elected should be called forth as usual to accept the Office, that the Lord Mayor should dissolve the Hall. Accordingly the Lord Mayor and Court of Aldermen went down to the *Hustings*, (the Citizens being still in the Hall, notwithstanding Mr. S—ff P—ns's Adjournment, expecting

ing Justice to be done them,) and the Recorder made the Declaration so resolved on, which was as follows, *viz.*

The Lord Mayor and Court of Aldermen having made a further Enquiry concerning the Poll for Sheriffs, and having examined Mr. *Falkingham* upon Oath (who was appointed to cast up the Numbers, and allowed of by Mr. Sheriffs for that Purpose,) and he having declared he was careful and exact in casting up every Book wherein the Poll was taken, and in adding the Numbers of the whole together, and that to the best of his Judgment, Knowledge, and Belief, without any wilful Error, the Numbers upon the Poll stand thus, *viz.*

For Sir <i>Richard Hopkins</i> , Citizen and Cutler,	3248,
For <i>Felix Feast</i> , Esq; Citizen and Brewer,	3244,
For Sir <i>John Williams</i> , Citizen and Mercer,	3188,
For <i>Richard Lockwood</i> , Esq; Citizen and Mercer,	3191.

And the said Court having also examined upon Oath several Persons who were Supervisors upon the taking the said Poll, (and others) who declared upon their Computation, to the best of their Judgment, Knowledge, and Belief, without any wilful Error, the Numbers are very near the same with what Mr. *Falkingham* has deposed; and the said Court having made a publick Declaration in this Hall last *Tuesday*, that they would be ready to receive further Information upon Oath, concerning the said Poll; and no one having appeared to disprove the Account of the Numbers upon the Poll so declared by Mr. *Falkingham* as aforesaid; and Mr. S—ffs declining to appear at a Court of Aldermen, (of which they are Members,) summoned Yesterday for the Purpose aforesaid, and of which they had Notice on *Tuesday* that it would be summoned accordingly; and the Court being informed upon the Oath of several Citizens, that Mr. S—ff P—ns, accompanied with his Under-Sheriff Mr. P—ns (Mr. S—ff C—nd not being present) did this Day declare upon the *Hustings*, That being deny'd a Precept by the Lord Mayor, to the Clerks of the several Companies, for a List of their several Liveries, that the S—ffs had scrutinized the said Poll, and that they adhered to their former Declaration, and that Mr. S—ff P—ns ordered the Hall to be adjourned to Five a-Clock this Day, without making any Report to this Court of the said Proceeding. And this Court having further considered of the Proceedings of Mr. S—ffs, are confirmed in their Opinion of the Irregularity and Unwarrantableness thereof; and that the Lord Mayor's issuing his Precept so demanded as aforesaid, would have been a Countenance to such their Proceedings, do therefore approve of such his Refusal. And the Court do think it incumbent on them to declare, that the Numbers on the Poll stand as follows, *viz.* For Sir *Richard Hopkins*, Citizen and Cutler, 3248. For *Felix Feast*, Esq; Citizen and Brewer, 3244. For Sir *John Williams*, Citizen and Mercer, 3188. For *Richard Lockwood*, Esq; Citizen and Mercer, 3191. And they do further declare, that the Election is fallen on the said Sir *Richard Hopkins* and *Felix Feast*, Esq; and they are accordingly declared duely elected Sheriffs of this City and County of *Middlesex* for the Year ensuing.

After this, the Sheriffs so declared duely elected, were called forth as usual, to accept the said Office; and then the Hall was dissolved by the Lord Mayor.

What Mr. S—ff P—ns did at Five a-Clock, and what he intended further to do, has been mentioned in the publick Papers, and will admit of proper Remarks in due Time. Sir *John Williams* and *Richard Lockwood*, Esq; have demanded of the Court of Aldermen to be admitted to give Bond, but their Demand has not been complied with; but Sir *Richard Hopkins* and Mr. *Feast* were allowed, and have given Bond to hold the Office aforesaid. This being the real Case, I shall proceed to examine, and to answer such Objections as are made by some Persons to these Proceedings of the Court of Aldermen, and also what is alledged in Defence of the S—ffs and their Proceedings.

Objection 1. It is insisted on, That by an Act of Common-Council, made in the Mayoralty of Sir *Thomas Lane* the 7th Year of King *William*, the Sheriffs are the sole Judges of the Election of subsequent Sheriffs, and that

the Court of Aldermen have no Power to interpose in any Manner, but are to declare as the Sheriffs declare, and are bound to admit whom they return, and have no Right to examine, whether the Sheriffs have done their Duty or not, but must act implicitly, and obey the Sheriffs Commands right or wrong.

These are the Assertions which at present pass current for Law, and are propagated with great Industry, and are the Ground of all the Clamour against the Lord Mayor, Court of Aldermen, and Recorder, who are of a different Opinion, and who deny these Assertions to have any Foundation in Law or Reason.

Answer. In order to discuss this Point, it is proper to acquaint the Reader with some Facts and Usages, which cannot be deny'd by any, who are acquainted with the Laws and Customs of this City. 'Tis certain, that the Lord Mayor and Court of Aldermen, had anciently more Power in the Election of the City Officers, than they exercise now: 'Tis well known, that the Lord Mayor named one Sheriff for Hundreds of Years, till that Power was taken away by an Act of Common-Council. 'Tis plain by the antient City Books, that one while to avoid the Confusion of Multitudes, no Persons were allowed to come to the Elections at Common Halls, (under Penalties) but such as were named by the Lord Mayor and Aldermen, six out of some Wards, four out of others, and they were summoned by them accordingly.

'Tis as evident that the Sheriffs were Officers bound to attend the Lord Mayor, and ministerial in the Nature of their Office: And 'tis a Fact undeniable, that the Court of Lord Mayor and Aldermen, at all Times and upon all Occasions, is the Court which admits all the City Officers, from the highest to the lowest; and the administering the Oath of Office to the Sheriffs the Day before *Michaelmas* Day, as also to the Lord Mayor the Day before he is presented at *Westminster*, is by the Court of Aldermen only; and though 'tis on the *Hustings* in the publick Hall in a very solemn manner, yet there is no Hall of Livery-Men summoned on either of those Days for that purpose.

'Tis as notorious, that the Sheriffs, as well upon the Election of Sheriffs, as the other Officers chosen at the Common-Halls, are attended by the Common Serjeant of the City; and that by the antient Books of the City, he is the Officer that is to make Report to the Court of Aldermen, of all the Proceedings on Elections at the Common Halls; and that even since the Act of Common Council above-mentioned, he now constantly makes the Report to the Court of Aldermen, to whom it is made in a very solemn manner; and it is now and has been the constant Usage for the Court of Aldermen, if they have no Objection to the Report, to go down from their Court upon the *Hustings*, to declare by the Recorder the several Matters that have been reported, and for him always to make known on whom the Election is fallen, and accordingly to declare the Persons duely elected. 'Tis also as plain by the City Books, that several Elections of Sheriffs at the Common-Halls are entred to be accepted and approved and others confirmed by the Court of Aldermen according to Ancient Custom, and that they from Time to Time have discharged Persons elected Sheriffs by the Common Halls, who have applied to them for that Purpose, (either for Insufficiency of Estate, or other Reasons which they have allowed of) and upon such Discharges they have summoned the Common Hall to go to new Elections, which has been complied with; and they are restrained only by the said Act of Common-Council from discharging a Sheriff after the 30th of *August*.

But say the Arguers for the absolute uncontrollable Power of the Sheriffs (and for their being sole Judges of such Elections,) This Act of Common-Council has taken away all Powers from other Persons and vested it solely in the Sheriffs.

Let us consider this Matter: There was a Dispute who had the Right of calling, adjourning, and dissolving Common-Halls, the Lord Mayor or the Sheriffs; and this was adjusted and settled by the Act as above (*viz.*) the Lord Mayor the Right to assemble and the Power to dissolve

dissolve the Hall, and the Sheriffs to adjourn it during a Poll and Scrutiny: They are prescribed three Days time for finishing the Poll, and seven Days from that, for finishing the Scrutiny; and what else? Why to make Return of such Officers so chosen; make Return to whom? What these absolute sole Judges of an Election to make Return of their Proceedings to any other Power? Yes—Unluckily it falls out, that they must make Return to the very Court who always had the Right, and who always exercised the Right (Time out of Mind) to admit all the City Officers; (the Court who (as appears by the Entries in the City Books) approve, and accept and confirm Elections, and who discharge Persons elected, for such Reasons as they judge sufficient:) Nay this Act is so far from taking away any such Right of Admission from the Court of Aldermen, that in Case of Difference between the Sheriffs, the Lord Mayor is to go on with the Poll and Scrutiny; and he is bound to make Return, To whom? Why to this very Court, that they may admit the Officer whom they shall judge to be fairly elected. Why are they to use their Reason, and to judge whom they will admit? What won't they take the Sheriffs Words, though they should report One Hundred to be more than One Hundred and Fifty? Have they any Trust reposed in them, to preserve any of the Rights and Privileges of their Fellow Citizens? Do they pretend to follow the Steps of their Predecessors? and to examine and receive Informations upon Oath, concerning the Violation of any such Rights and Privileges, and manifest Injuries done to Candidates upon Elections? Do they pretend that they are not obliged to go down to the Common-Hall, and to declare a notorious and palpable Falshood, if the Sheriffs should Return it? Have they any Right before they declare or admit an Officer as duly elected, to enquire of Mr. Sheriffs, concerning the Fairness or Regularity of their Proceedings? And if they find Partiality, can they have any Pretence to enquire upon Oath concerning Truth, though in the most candid Manner? Sure this Court of Aldermen are very perverse and unmannerly to such upright impartial Judges, that they won't declare and admit, just as they think fit, without Hesitation or Scruple.

Objection 2. Why then the Court of Aldermen at this Rate may controul a fair and regular Election, and admit such as are not elected.

Answer. The Answer is plain, the Right of Admission necessarily implies a Power of judging what they do, before they exercise that Right. And to argue that because the Power may be abused, which is lodged in them by the Laws of the City and constantly used by them, therefore they shan't judge at all in order to exercise their Right, is odd Reasoning; but holds more strong against the Sheriffs, that their Power of making a Return, shall not be construed to be an absolute Right of naming their Successors and requiring their Admission by the Court of Aldermen; since absolute Power is much more liable to Abuse in the Hands of two Persons (Inferiour Officers), than twenty six, the chief Magistrates and Governours of the City. The Right is really thus, The Power of returning from the Common-Hall to the Court of Aldermen, as also the taking the Poll and Scrutiny (according to the Laws and Customs of the City,) in order to that Return, is now (whatever it was formerly,) in the Sheriffs; the Power of Admission, which is giving Possession of the Office, is without doubt in the Court of Aldermen. If the Sheriffs abuse their Trust, the Court of Aldermen are a Check upon them, and can by their Right of Admission put some Stop to that Evil, and are under no Obligation to suffer an Evil which they can prevent, (and as to Punishment of the Sheriffs for their Misbehaviour, that may come besides, tho' their Designs are frustrated.) If the Court of Aldermen abuse their Power of Admission, the Court of King's Bench are a Check upon them, and can command Justice to be done, they having the Superintendency over all Inferiour Jurisdictions, and have also the Power of punishing for Misbehaviours in such Officers who shall abuse the Trusts reposed in them; And if the Court of King's Bench does Wrong, it is well known who are to rectify their Errors. And this is the mighty Grievance which (as some have pretended) threatens no less than the Constitution of England, the Destruction of the City Charters, and all its Rights and Privileges.

Objection 3. It is pretended that the S——ffs were not in any Manner obliged to declare the Numbers upon the Poll, and if so, they have been guilty of no Errour.

Answer. Are not the S——ffs obliged to govern themselves in the City Elections by the Laws and Usages of the City? Have not those Laws and Usages prescribed a certain regular Method which has been constantly observed, and never violated till this Instance? Is not the first Method to judge by holding up of Hands? If that is not acquiesced in, Is not the next Step a Poll, and a Declaration how that Poll stands, and then a Scrutiny demanded by the Minority? Can any one know or judge whether it may be proper to demand and give the Trouble of a Scrutiny or not, till it is discover'd who are the Minority, and what that Minority is, whether great or small? To what end is the Poll and Scrutiny distinguished by the Act of Common-Council, and different Times prescribed for the taking and finishing of each? Did ever S——ffs before this Time jumble them both together, industriously concealing the one, and precipitately prejudging the other, inverting all Order and Method? Were ever before this Time, the Candidates who had the Majority upon the Poll put to the Part which belongs to a Minority? Or even if the Usage had not been constantly against 'em, to what End was this refused? Can any one say, that this was a fair and impartial Way of Proceeding in these Judges (as they are called)? And when the Court, to whom they are bound to make a Return of their Proceedings, and who are to admit the Officers, desire to be satisfied of these Matters, to give such Answers, and to proceed with such Contempt of that Court, (of which they are Members.) This is referred to the due Consideration of all those who are so ready to applaud the Intrepidity of Mr. S——ffs, but say not a Word of their Impartiality, their Discretion, or their Honour.

Objection 4. It is alledged, that the Court of Aldermen have done wrong in declaring Sir Richard Hopkins and Mr. Feast duly elected, without seeing the Books, or knowing how it would prove upon a Scrutiny.

Answer. Mr. S——ffs denied this Court (as well as the Common-Hall) the Numbers upon the Poll, or a Sight of the Books wherein the Names of the Voters were contain'd; the Court had the next best Evidence which could be had, as to the former, and it was impossible for them by this Behaviour of the S——ffs to have the Knowledge of the latter: The Time was come that the Common-Hall expected from the Court of Aldermen to do them Justice, and each Party grew inflamed whilst this Contest continued; A final Declaration (such as it was) had been made by one S——ff, (whether the other agreed to it was not then known.) What Mr. S——ff P—— should pretend to adjourn the Court for, after his final Declaration of the Election, and no Return of that to the Court of Aldermen, was not then to be conceived by any Rational Man, and as little to be justified when it was known. And if it were admitted that all the S——ffs Proceedings were Regular even to that final Declaration, yet from that Time their Power of further Adjournment ceased, and they should forthwith have returned that final Declaration to the Court of Aldermen, and then the Court (if they had been satisfied of the Truth and Fairness of it) should regularly have gone down immediately to the Hall, and should by the Recorder have declared who were duly elected, and then the Parties to be called to accept the Office, and then the Lord Mayor and he only could dissolve the Hall: But Mr. S——ffs having passed over the usual Method of determining this Matter, and being resolved that it should be determin'd in their own Way only, and the Court of Aldermen being put under these Difficulties by Mr. S——ffs Behaviour, the Persons who appeared to them to have the Majority upon the Poll, must be taken by them to have the Right, till that Majority should be fairly and regularly taken off: This Majority was not taken off by the pretended Scrutinies of the S——ffs, neither the First, the Second, nor could have been done by the Third, that was offered at in so extraordinary a Manner: The first Declaration of a Majority of legal Votes was from a Scrutiny by the Sheriffs only before the Poll was known in any Manner, or any Scrutiny demanded, which was absurd and preposterous:

posterous: The Second also was a Scrutiny without Scrutiners, and they denied a Scrutiny for the first Thing which was demanded, viz. the Numbers upon the Poll, and pretended to make a Scrutiny by themselves and of their own Accord of what no body insisted on, (viz. the Qualification of the Voters) till the Numbers of the Poll should be first declared. The third Scrutiny which was intended to be proposed was thus; One of the impartial Judges of a Scrutiny, who had played all these Frolicks, (the other not disclaiming but now avowing them) after his Power was at an End by his final Declaration, takes upon himself to adjourn the Common-Hall, on purpose to bring a Message from one Set of Candidates to the others, and to let them and the Citizens know, that if they would wave all Advantages, and not insist on the fair and regular Method which the Law had prescribed to adjust these Affairs, (which had been wilfully broke through and still obstinately persisted in) and would accept of a Challenge, they might be sure to find a clear Stage and no Favour: Thus was this last Affair conducted by Mr. S—ff P—ns (as appeared in the Publick Prints after the Hall was dissolved, and which the Court of Aldermen could not be apprized of beforehand without conjuring, nor could it have been comply'd with if they had known it;) Nor could any one have imagin'd that such a Conceit should be thought a proper Means to obtain Justice from those who had already sufficiently shewn themselves in this Affair. Let all the World judge what could the Court of Aldermen have done other than what they did do, in Justice to the Citizens in the Common Hall, who had been thus treated, whose Rights Customs and Usages seemed to them to be violated and contemned in so flagrant a manner: Nor could they do less in regard to the Preservation of the Publick Peace of the City.

Objection 5. As to Bribery and Corruption alledged to be at this Election.

Answer. Does any one believe that it was all on one Side? I am sorry if there was any on either; and no one can justify such Proceedings, nor, I fear, hinder them. But what is that to the present Dispute? Who hindered its appearing by a regular Scrutiny but the S—ffs? Who hindered the Court of Aldermen from discovering it but the S—ffs? If there were Frauds and Abuses in the Poll, there were other Frauds and Abuses which prevented the detecting it in a regular and legal Manner.

Objection 6. But 'tis said if what is laid to the Door of the S—ffs were true, is it a Reason either in Justice or Conscience to induce my Lord Mayor, and the Aldermen, to break through the Charter and infringe the just Rights of his Fellow Citizens?

Answer. No — But the S—ffs Misbehaviour and Irregularity, may justify the Court of Aldermen's refusing to joyn in any injurious Treatment of Candidates, and the Citizens espousing them; and may give them a handle to exercise their undoubted Right, to do all the Justice to the injured in their Power, and to prevent the Injury if they can, and to vindicate themselves by laying their Reasons before the Citizens in the Common-Hall, which obliged them to pursue those Measures they have taken, as the only Means to do them Justice. But pray what Charter is broken and what just Rights infringed? Is it by an Enquiry of the Court of Aldermen upon Oath concerning the Partiality and Irregularity of the S—ffs, in making of a Return to them of an Election of an Officer, whom no one but themselves have a Right of admitting? Is it by their finding on that Enquiry, in the most open, fair, and candid Manner, and by the contemptuous Behaviour of the S—ffs, both to them and to the Citizens in the Common-Hall, that they had Reason to apprehend that they were notoriously Partial and Irregular, had refused Justice to the Candidates of one Side, and shewn a resolute Attachment to the other? Is it by the acting in Support of the ancient, constant, and regular Methods, Customs, and Usages of the City, in Opposition to what they thought a Violation of them by the S—ffs, and by refusing to countenance or assist them in these Proceedings?

If this is breaking any Charter, 'tis desired that It may be produced; for such a Charter was never heard of before.

Objection 7. But the Lord Mayor denied a Precept to the Clerks of the Companies to send Lists of the Liverymen of the Companies, to enable the

S——ffs to go on with the Scrutiny; and my Lord Mayor must grant Precepts when the S——ffs demand it.

Answer. I deny that: He ought to assist in the Execution of the Laws and Customs of the City, but not in the Breach and Violation of them: But to go on with what Scrutiny? Why the Scrutiny that the S——ffs desired to go on withal, and which no Body else troubled themselves about till they could know the Numbers upon the Poll. Why, did not the Citizens demand a Scrutiny upon the first Declaration of a Majority of Legal Votes for Sir *John Williams*, and Mr. *Lockwood*? Yes— But if you will take their Oaths for it who demanded it.— It was first to know the Numbers upon the Poll from the S——ffs, they refusing to tell; then they demanded a Scrutiny of the Books for those Numbers, and adhered to this Demand as their Right; and this was Sworn to by several, on the Enquiry by the Court of Aldermen, as to what passed in the Hall at the Time of the first Declaration. But suppose there had been no insisting on the Numbers on the Poll; and a general Scrutiny demanded; ought not the S——ffs (if they had been in Earnest) to have given the Candidates Notice to appoint Scrutineers, and heard their Objections and Answers about the Right of Voters (does not an Act of Common-Council expressly require it?)

The S——ffs were sensible that Objections might be determined without the Lists of the Companies; and therefore, (as they alledg'd) they scrutinised by themselves with indefatigable Pains; — Sure, if they had taken the Assistance of Scrutineers on each Side in this pretended Scrutiny, it might have saved some of their indefatigable Pains, and have been justly thought a more impartial Method, and more conformable to the Laws and Usages of the City.

But can any unbiassed Person conceive that the S——ffs intended from the Beginning that there should be a fair and regular Scrutiny? Why was there an Adjournment of Four Days when the Poll was closed? Why were the Numbers upon the Poll concealed? Why all this contemptuous Behaviour to the Court of Aldermen, and persisting in their Irregularities in Defiance of Law and common Justice?

'Tis to be hoped that what is beforementioned will satisfy all reasonable and impartial Persons, whose Conduct is to be approved, or blamed, that of the Court of Aldermen, or of the Sheriffs; And that these Proceedings thus truly stated, will be thought a sufficient Answer to the many false and unjust Reflections on the Lord Mayor, Court of Aldermen, and Recorder upon this Occasion.



F I N I S.